

**PHYSICAL THERAPY EXAMINING BOARD
DECEMBER 8, 2011
MINUTES**

PRESENT: Lori Dominiczak, PT; Mark Shropshire, PT; Jane Stroede, PTA; Michele Thorman, PT

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Shawn Leatherwood, Paralegal; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUEST: Wendy McNall, Madison Area Technical College

CALL TO ORDER

Mark Shropshire, Chair, called the meeting to order at 8:32 a.m. A quorum of four (4) members was present.

ADOPTION OF AGENDA

Amendments:

- Item B – Approval of Minutes - Physical Therapy Minutes from September 29, 2011 – replaces pages 5-10 of the agenda
- Item F – Presentation of Proposed Stipulations, Final Decisions and Orders – add:
 - 1) Nicholas A. Batson, PT
 - Attorney Pamela Stach
 - Case Advisor – Mark Shropshire
- Item I – PT Rule Review Documentation – insert additional materials after page 42
- Item J – Draft of Proposed Rules – insert after page 43
- Item S (closed session) – Deliberation of Proposed Stipulations, Final Decisions and Orders – insert after page 88:
 - 1) Nicholas A. Batson, PT
 - Attorney Pamela Stach
- Case Status Report (closed session) – insert after page 92

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 29, 2011

Corrections:

- On page 1, under PRESENT, indicate the Michele Thorman attended via Live Meeting.
- On page 2, in the last heading correct spelling of STAEMENT to STATEMENT
- On page 3, change the first heading to BOARD DISCUSSION OF RULE DRAFTING – REVISIONS TO RULES AND SCOPE STATEMENT PURSUANT TO WISCONSIN ACT 149. Also, under this heading, change the first sentence to :
 - The Board reviewed the draft rule revisions to administrative rules and made some language changes.Change the last sentence to:
 - Legal Counsel Sandy Nowack will confer with Mark Shropshire and redraft the proposed revisions as discussed. The document will be brought back to the next Board meeting for review.
- On page 3, under DIAGNOSTIC ULTRASOUND, change the second sentence to:
 - The Board did not take a position on reimbursement.
- On page 3, under MAY A WISCONSIN LICENSED PHYSICAL THERAPIST..., change the first sentence to:
 - The Board reviewed the response by Sandy Nowack.In the motion, delete the word “written” and insert “presented”.
- On page 3, under BOARD DISCUSSION ITEMS..., correct the spelling of RECIEVED to RECEIVED
- On page 4, after CREDENTIALING MATTERS/LIAISON REPORT, insert WPTA CE REVIEW, and reflect the discussion.

MOTION: Lori Dominiczak moved, seconded by Michele Thorman, to approve the minutes of September 29, 2011 as corrected. Motion carried unanimously.

ELECTION OF OFFICERS

Mark Shropshire noted there is no public member on the Board at this time.

NOMINATION: Lori Dominiczak nominated Michele Thorman for Chair.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Michele Thorman was elected Chair by unanimous vote.

NOMINATION: Jane Stroede nominated Lori Dominiczak for Vice Chair.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Lori Dominiczak was elected Vice Chair by unanimous vote.

NOMINATION: Michele Thorman nominated Mark Shropshire for Secretary.

Mark Shropshire called for nominations three times. Hearing no other nominations, a vote was called.

Mark Shropshire was elected Secretary by unanimous vote.

2012 Election Results

CHAIR	Michele Thorman
VICE CHAIR	Lori Dominiczak
SECRETARY	Mark Shropshire

Board Appointments

Screening Panel:	Lori Dominiczak (Michele Thorman – Alternate)
Credentialing Liaisons:	Lori Dominiczak, Jane Stroede (Michele Thorman – Alternate)
Legislative Liaisons:	Jane Stroede (Mark Shropshire – Alternate)
DOE/Monitoring Liaison:	Jane Stroede
Examination Panel:	Professional Members of the Board
Web Consultants:	Lori Dominiczak, Mark Shropshire
PAP Liaison:	Jane Stroede
Practice Question Procedure and Board Contacts:	Lori Dominiczak, Mark Shropshire (Michele Thorman – Alternate)
Travel Liaison:	Michele Thorman (Board Chair)
Education Liaisons:	Michele Thorman, Jane Stroede (Lori Dominiczak – Alternate)

SECRETARY MATTERS

There was no report.

EXECUTIVE DIRECTOR MATTERS

There was no report.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorney Pamela Stach presented a Proposed Stipulation, Final Decision and Order in the following case:

09 PHT 015 Nicholas Batson

This matter will be deliberated in closed session.

REVIEW OF CORRESPONDENCE FROM MADISON AREA TECHNICAL COLLEGE (MATC) REGARDING SCHOOL APPROVAL AND DELAY IN LICENSING – APPEARANCE BY WENDY MCNALL, PTA PROGRAM DIRECTOR

Board member Jane Stroede is employed by MATC in this program and excused herself from the discussion and left the room. Kris Hendrickson and Amy Booth, Division of Professional Credential Processing, were present for and participated in the discussion.

Wendy McNall is the Director for the MATC Physical Therapist Assistant Program and appeared before the Board. There are currently 15 students enrolled in this program. They will complete their coursework on August 31, 2012 and a ceremony will be held on September 1, 2012; however the official graduation ceremony will not be until December 2012. Ms. McNall stated the Department of Safety and Professional Services has previously made accommodations for MATC students who have documented completion of coursework prior to an official graduation date.

In November 2010, the PTA program at MATC was granted “candidate status” by the Commission on Accreditation for Physical Therapy Education (CAPTE). CAPTE is sending a review team to MATC on July 22-25, 2012. It is the policy of CAPTE to make the accreditation retroactive to the dates of the onsite visit; however the CAPTE Board does not meet until

November 2-7, 2012. The MATC students would get caught in an extended waiting period for both exam eligibility and temporary licensure if the Physical Therapy Examining Board does not approve the MATC PTA program.

MOTION: Michele Thorman moved, seconded by Lori Dominiczak, to permit students of the MATC physical therapist assistant program, who are expected to graduate in August 2012, to take the PTA NPTE exam prior to graduation, for the purpose of addressing potential hardship due to otherwise delayed licensure and the PTA NPTE is transitioned to a fixed date test. This motion recognizes that neither the students nor MATC in instituting the physical therapist assistant program, have contributed to the potential hardship. Motion carried. Jane Strode did not vote.

MOTION: Lori Dominiczak moved, seconded by Michele Thorman, to require MATC to provide to the Department, a list identifying by name and address, physical therapist assistant students expected to graduate in August 2012, who will take the PTA NPTE prior to graduation by a date certain established by the Department. Motion carried. Jane Stroede did not vote.

Jane Stroede returned to the meeting at this time.

QUESTIONS RELATING TO THE NPTE TIMING AND PT PROGRAM COMPLETION

The Board reviewed two related practice questions. Kris Hendrickson and Amy Booth, Division of Professional Credential Processing, were present for and participated in the discussion.

- May a PT student take the NPTE while still in their PT program, prior to completing all coursework, in the event the fixed date testing poses a hardship?

Hardship cases will be evaluated on an individual basis.

- May students who have completed all coursework but have not officially graduated, sit for the exam between the time they completed all didactic and clinical coursework and the university's commencement date?

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A student who has completed all requirements for graduation, from a school approved by the Board, may sit for a licensure exam. The student must submit to the Department a completed application and a certified letter from the Dean of the school verifying the date all graduation requirements were met. This information should be posted as a frequently asked question on the Department's website.

MOTION: Mark Shropshire moved, seconded by Lori Dominiczak, to appoint Jane Stroede as the credentialing liaison to complete the process of drafting a FAQ to clarify how a student who has completed the requirements for graduation can become eligible to sit for a licensing exam. Motion carried unanimously

CLOSED SESSION

MOTION: Mark Shropshire moved, seconded Jane Stroede, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Lori Dominiczak-yes; Mark Shropshire-yes; Jane Stroede-yes; and Michele Thorman-yes. Motion carried unanimously.

The Board convened into closed session at 10:42 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Lori Dominiczak moved, seconded by Michele Thorman, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 11:46 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

**NICHOLAS BATSON, PT
09 PHT 015**

MOTION: Michele Thorman moved, seconded by Jane Stroede, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Nicholas Batson, PT. Motion carried unanimously.

VALIDATION OF EXAMINATION SCORE

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to validate the score for the oral examination candidate. Motion carried unanimously.

PT RULE REVIEW DOCUMENTATION

The Board acknowledged Lori Dominiczak for her efforts in compiling and presenting the data.

**DRAFT OF PROPOSED RULES TO REFLECT CHANGES TO PT 1 – PT 9 PURSUANT
TO PASSAGE OF 2009 WISCONSIN ACT 149**

Shawn Leatherwood presented the proposed rules draft for the Board's review. The Board made some language changes to the draft.

MOTION: Michele Thorman moved, seconded by Lori Dominiczak, to approve the draft rules as amended and to authorize Mark Shropshire to work with Department staff to finalize the rules for submission to the Legislative Clearinghouse. Motion carried unanimously.

**DRAFT OF PROPOSED RULES REGARDING PT 7 UNPROFESSIONAL CONDUCT
AND PT 8 BIENNIAL RENEWAL**

The Board reviewed the proposed rules. This draft has been approved by the Governor's Office. Sandy Nowack will do an analysis between the model act and this draft. Mark Shropshire appointed Michele Thorman to work with Department staff as a member of the drafting committee for rule writing relevant to PT 7.

DISCUSSION OF PT'S APPLYING FOR PTA LICENSE

The Board had a lengthy discussion on the topic of physical therapists applying for a physical therapist assistant license. More discussion is needed at a future meeting.

PRACTICE QUESTIONS/FAQ'S

Definition of "device" and PT role in ordering

The Board requested review by Legal Counsel.

Temporary License FAQ'S

MOTION: Mark Shropshire moved, seconded by Lori Dominiczak, to approve the temporary license FAQ's as amended and to have this information posted to the Department website. Motion carried unanimously.

SCREENING RUBRIC UPDATE

Legal Counsel Sandy Nowack updated the Board on the progress of the screening rubric. Chad Koplien, Division of Enforcement Administrator, and Ms. Nowack will be working to further develop the screening rubric.

WPTA CONTINUING EDUCATION PROGRAM APPROVAL PROCESS

The Board continues to have concerns with the WPTA audit process for CE program approval. Mark Shropshire will ask the WPTA to provide results of the audit and an annual report to the Board. The report should include information on the percentage of courses that are rejected and should also delineate online and in person courses. Additionally, a representative from the WPTA will be invited to appear at the March 2012 Board meeting to present the audit results.

LEGISLATION/ADMINISTRATIVE RULES

The Board reviewed 2011 Assembly Bill 259.

INFORMATIONAL ITEMS

The FSBPT Conference will be September 20-22, 2012 in Indianapolis, Indiana.

OTHER BUSINESS

Lori Dominiczak will draft a practice question related to documentation standards.

PUBLIC COMMENTS

None.

ADJOURNMENT

MOTION: Jane Stroede moved, seconded by Lori Dominiczak, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:20 p.m.